

REMARKS

Rejection of the claims under 35 USC §103:

Claims 19, 22, 23, and 29-32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (WO 00/03694) in view of Richardson et al. (Biomacromolecules, Vol. 2, pages 1023-1028, 2001). Applicants have amended the claims to obviate the rejection. Specifically, Applicants have amended the claims to recite that the modified polymer does not have liposome leakage activity. Wolff et al. taught methods for making labile polymers. Wolff et al. do not teach, or suggest, reversible modification of a polymer's characteristics other than charge. Wolff et al. did not teach, or suggest, that a membrane active polymer can be reversibly inactivated by linking a plurality of disubstituted maleic anhydride derivatives to the polymer. With this letter, Applicants have filed a Declaration under 37 C.F.R. 1.132, from inventors of WO 00/03694 stating that at the time of filing of WO 00/03694 the use of disubstituted maleic anhydride derivatives to reversibly inactive a membrane active polymer was not conceived or contemplated.

Claims 27 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (WO 00/03694) in view of Richardson et al. and in further view of Wolff et al. (WO 00/75164). Applicants have amended the claims as described above to obviate the rejection.

Claims 19, 22, 23, and 30-32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (WO 00/03694) in view of Rittner et al. (U.S. Patent Application Publication No. 2002/0055174). Applicants have amended the claims as described above to obviate the rejection.

Claims 27 and 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (WO 00/03694) in view of Rittner et al. and in further view of Wolff et al. (WO 00/75164). Applicants have amended the claims as described above to obviate the rejection.

Appl. No. **10/816,081**
Amdt. dated **10/31/2008**
Reply to Office action of **July 24, 2008**

The Examiner's rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 19, 22, 23, and 27-32 should be allowable.

Respectfully submitted,

/Kirk Ekena/
Kirk Ekena, Reg. No. 56,672
Roche Madison Inc.
505 S. Rosa Rd.
Madison, WI 53719
608-238-4400

I hereby certify that this correspondence is being
transmitted to the USPTO on this date: 10/31/2008.

/Kirk Ekena/
Kirk Ekena